

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RHONDA THOMAS GREENE,) Case No. CV 15-00053-CJC (DTB)
Petitioner,)
vs.) ORDER DISMISSING PETITION FOR
LYNWOOD CHIEF OF POLICE,) WRIT OF HABEAS CORPUS
ET AL,)
Respondent.)

Petitioner purported to file a Petition for Writ of Habeas Corpus by a Person in State Custody herein (“Pet.”) on January 5, 2015. The Court has reviewed the Petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“Habeas Rules”) for purposes of determining whether “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.”

From the face of the Petition, it appears that petitioner's claims are not directed to the legality or duration of a current confinement. Rather, although the Petition is handwritten and difficult to decipher, petitioner appears to be raising claims alleging violations of her civil rights. Specifically, insofar as the Court can glean, petitioner raises claims alleging false arrest, illegal eviction and illegal seizure of property. (See, generally, Pet.)

1 Claims such as these may not properly be asserted in a habeas petition, or as
2 part of a habeas petition. See 28 U.S.C. § 2254(a); see also Preiser v. Rodriguez, 411
3 U.S. 475, 498-500, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973). Rather, such claims must
4 be asserted in a separate civil rights action.

5 The Court does have discretion to construe petitioner's habeas petition as a civil
6 rights complaint. See Wilwording v. Swenson, 404 U.S. 249, 251, 92 S. Ct. 407, 30
7 L. Ed. 2d 418 (1971); Hansen v. May, 502 F.2d 728, 729 (9th Cir. 1974).

8 However, in this instance, the Court chooses not to exercise such discretion for the
9 following reason:


10 As the current action was not submitted on a civil rights complaint form, certain
11 critical information, such as the capacity in which the defendants are named, is
12 lacking.

13 Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in
14 the United States District Courts,

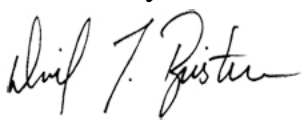
15 IT THEREFORE IS ORDERED that this action be summarily dismissed
16 without prejudice. The Clerk is directed to send petitioner a blank Central District
17 civil rights complaint form, which petitioner is encouraged to utilize should she desire
18 to pursue this action.

19 LET JUDGMENT BE ENTERED ACCORDINGLY.

20
21 DATED: January 29, 2015


CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE

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24 Presented by:

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27 _____
28 David T. Bristow
United States Magistrate Judge